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Office Memorandum • UNITED STATES GOVERNMENT

TO : Assistant Director, Research and Reports DATE: 23 February 1951

FROM : Chief, Economic Analysis Division, O/RR

SUBJECT: Position taken by CIA Representative on Mandatory Export Control of Technical Data.

1. "Mandatory export control of Technical Data" was the subject of discussion at the meeting of the Operating Subcommittee of the Advisory Committee on Export Policy, 19 February 1951. The ACEP staff, in OC Document 444.3 recommended mandatory export control of technical data to country R sub-group A destinations (Soviet Bloc), directly or indirectly, employing the following definition:

"any professional, scientific, or technical information, including any model, design, photograph, photograph negative, document, or commodity, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, reconstruction, servicing, repair, or use of any commodity."

2. The undersigned recommended the definition, adopted in 1941, and previously submitted by the CIA representative in OC Document 444.1 and by the Defense member in OC Document 444.4 as follows:

"Any model, design, photograph, photographic negative, document, or other article or material containing a plan or specification or descriptive or technical information or any kind (other than that appearing generally in a form available to the public) which can be used or adapted to use in connection with any process, synthesis or operation, in the production, manufacture, or reconstruction of any of the articles or materials, the exportation of which is prohibited or curtailed in accordance with the provisions of the Export Control Act of 1949."

3. In support of the CIA-Defense recommendation, the CIA representative made the following comment based on intelligence considerations:

a. Objection to the exclusion from the definition of the words "other than that appearing generally in a form available to the public." My reasons for this were that:

- (1) any data appearing in a form available to the public could easily be procured by any of the Soviet or satellite diplomatic representatives in the US and forwarded by diplomatic pouch;
- (2) inclusion of such data amounted to censorship, impossible to enforce under peacetime conditions;

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(3) as pointed out by OST in a memorandum dated 12 February 1951, that office was concerned that no action be taken which would seriously impair the present exchange arrangements between the US and the USSR for scientific and technical literature.

b. Objection to applying the mandatory controls to "... information of any kind which can be used in connection with ... articles or materials." The objection to this was that it was so broad as to cover everything and that while it was to be nullified for the most part by a general license, this was an unnecessarily complicated mechanism and it would be more desirable from an intelligence viewpoint to have a greater degree of specificity in the first instance.

c. Objection to the effort to apply export control to intangibles, and to technical know-how of personnel which could be controlled only by censorship, the Espionage Act and the control of passports and visas.

4. Based on intelligence considerations, I supported the extension of export controls to "any ... document, etc. containing technical information regarding any article or material on the Positive List" and cited the efforts of the Soviet industry espionage system to secure this type of information from US industry.

5. The statements of the Defense member (OC 444.4), the ECA member (OC 444.5) and the State member (444.6) tended to support the statement of the CIA member. At the meeting, the OIT member recommended the deletion of the words "other than that appearing generally in a form available to the public" and strongly advocated this change in the definition recommended by the Task Group (OC 444.3). Only the CIA representative openly opposed this change.

6. The OIT recommendation with some revision will be presented to the Advisory Committee on Export Policy.

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